

D/L1
19.12.2023
Bpg.

C.R.R.1249 of 2023

In Re: An application under Section 482 of the Code of Criminal Procedure;

Upendra Kumar Yadav
Versus
The State of West Bengal and another

Mr. Moyukh Mukherjee
Mr. Koustav Lal Mukherjee
Mr. Sarthak Mondal.
...for the petitioner.

Mr. Sudip Ghosh
Mr. Koushik Kundu.
...for the State.

Mr. Subir Banerjee
Ms. Dipanwita Das.
....for the opposite party no.2.

Learned advocate appearing for the petitioner has challenged the proceedings of Salanpur Police Station Case No.262 of 2021 dated 25.10.2021. Petitioner is one Upendra Kumar Yadav who happens to be the owner of the vehicle. It has been claimed that the petitioner had no relation with the incident and at the time when the vehicle was plying, petitioner was nowhere seen near the place of occurrence and the First Information Report was lodged almost after 28 days of the incident. It has also been submitted on behalf of the petitioner that the petitioner is a permanent resident of Howrah while the incident took place within the jurisdiction of Salanpur Police Station and at the relevant time one Lal Bihari Ray was driving the offending vehicle.

Mr. Sudip Ghosh, learned advocate appearing for the State has produced the case diary . Learned advocate has drawn the attention of the Court firstly to the fact that the report in respect of the victim/deceased lying at the spot was noticed by a police personnel who admitted the victim/deceased at the hospital. The victim died and thereafter an unnatural case was registered. Thereafter a complaint was registered as the victim was missing for a considerable period of time and Lal Bihari Ray, being the other driver of vehicle who was contacted by the relations and consequently an information was lodged with the Police Station and a case was registered for investigation. In course of investigation, the police recorded the statement of number of witnesses, collected post mortem report and were prima facie able to make out a relationship of motive in respect of cause of death of the victim.

At this stage, it would not be fit and proper to enter into the zone of motive, circumstantial evidence and/or how the present petitioner has been implicated in connection with the instant case. Petitioner has approached this Court for quashing of the charge-sheet.

Having regard to the materials collected by the Investigating Agency so far as the present petitioner is concerned although he was not present at the spot when the incident took place as alleged, but there are materials prima facie to connect the present petitioner with the alleged offence, it would not be fit and proper to hold at this stage that there was no complicity of the present petitioner so far as the findings of the police authorities in

the report under Section 173 of Cr.P.C is concerned.

Having regard to the same, I am not inclined to interfere with the proceedings.

Accordingly, CRR 1249 of 2023 is dismissed.

Pending connected application, if any, is consequently dismissed.

Learned trial court is directed to take the trial to its logical conclusion.

Case diary be returned to the learned advocate appearing for the State.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)